

CHAPTER 7

BUSINESS CODE

ARTICLE I – ADMINISTRATION

7-1-1 APPLICATIONS.

(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the City Clerk in the absence of provision to the contrary.

(B) Each application shall contain:

- (1) the name of the applicant;
- (2) the permit or license desired;
- (3) the location to be used, if any;
- (4) the time covered; and
- (5) the fee to be paid.

(C) Each application shall also contain the number the Certificates of Registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.

7-1-2 PERSONS SUBJECT TO LICENSE. Whenever in this Code, or in any municipal ordinance, a license or permit is required for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if, by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this municipality.

7-1-3 TERM AND FORM OF LICENSE. No license shall be granted for a longer term than **one (1) year**, and all licenses, unless otherwise provided by ordinance, shall expire on the last day of April next following their issue. Every license signed by the Mayor and attested by the City Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

7-1-4 INVESTIGATIONS.

(A) Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the City Clerk, within **forty-eight (48) hours** shall refer the application to the appropriate official(s) for the making of such investigation or inspection.

(B) The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise within **ten (10) days** after receiving such application or a copy thereof.

(C) The Health Officer shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The Zoning Inspector shall make or cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations. All other investigations, except where otherwise provided shall be made by the Chief of Police or by some other officer designated by the Mayor.

(D) Upon receipt of all related investigative reports, the City Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(E) If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the City Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(F) If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefor. Thereupon, the City Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(G) If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the application is satisfactory, they shall approve the application. Thereupon, the City Clerk shall be directed to promptly notify the applicant that his application is approved, and the license or permit may be issued.

7-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the City Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

7-1-6 ENFORCEMENT. The members of the police force shall enforce all ordinances of the City in relation to licenses, and it is hereby made the duty of the Chief of Police to examine from time to time, the register of the City Clerk, and to report and prosecute all persons liable therefor, who may be acting or doing business without a license.

7-1-7 NOT TRANSFERABLE WITHOUT CONSENT - AUTHORIZED FOR ONE (1) LOCATION ONLY. No license shall be assignable or transferable, nor shall any person be authorized to do business or act under such license but the person to whom it is granted, or at any other place than that specified therein, without the consent thereon by the City Clerk. Nor shall any license authorize any person to act under it at more than **one (1) place** at the same time, or at any other time than is therein specified. Whoever shall violate any provision of this Section shall be deemed to be acting without a license, and shall be subject to the same penalty as is prescribed for persons doing business without a license.

7-1-8 BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code of this municipality.

7-1-9 LOCATION. No license for the operation of a business or establishment in this municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

7-1-10 NUISANCES PROHIBITED.

7-1-10.1 GENERALLY. No business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle or structure, yard, lot, premises or part thereof, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

7-1-10.2 UNSAFE OR UNHEALTHFUL BUSINESS.

(A) No building or structure, utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.

(B) No substance, matter or thing of any kind whatsoever which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this municipality.

7-1-10.3 REFUSE DISPOSAL - RECEPTACLES REQUIRED.

It shall be the duty of every owner or his agent, or the occupant of every house building, flat or apartment in the City where persons reside, board, or lodge, and of every owner or proprietor of every hotel,

motel, boarding house, restaurant, store and market where business of any kind whatsoever is conducted, to provide for such house, building, restaurant, store and market, a receptacle for all garbage of the capacity, kind, and number as prescribed by this Article as follows:

(A) For each hotel, motel, boarding house, restaurant, store and market, **one (1)** or more receptacles for garbage of a capacity sufficient to contain the accumulations of such garbage for a period of at least **two (2) days**.

(B) The receptacles for garbage as prescribed in this Article shall be made of metal or plastic and each such receptacle shall, at all times, except when being emptied or filled, have in place a fitted cover made of the same or similar material as the receptacle, which will fit the receptacle tight enough to prevent odors from escaping therefrom and prevent flies from entering the receptacle from outside thereof, and all garbage originating upon any of the premises herein described shall be kept in such receptacles until same is removed from the premises as herein provided. **(Ord. No. 467; 09-12-72)**

(C) **Duty-to Provide Refuse Containers.** The occupant of every building, structure or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

(D) **Removal.** It shall be the duty of every owner or his agent, or the occupant of any house, flat or apartment in the City where persons reside, board or lodge to provide for the removal, at his own expense, of all garbage, ashes and miscellaneous wastes from the premises; and it shall be the duty of the owner or proprietor of every hotel, motel, boarding house, restaurant, store and market within the City to remove or provide for the removal, at his own expense, of all garbage, ashes, and miscellaneous wastes from the premises. Such removal may be made by the individual owner, proprietor, or occupant personally or through the services of a garbage collector duly licensed by the City, but such removal shall not be made in either case in any except vehicles or receptacles having close-fitting lids or covers, and such vehicles or receptacles shall be kept tightly closed at all times, except when being actually filled or unloaded, and shall be of such material and be kept in such condition as to prevent leakage of liquids or solid matter or the escape of disagreeable odors arising therefrom.

[See Section 27-9-1 for open burning restrictions.]

7-1-11 DEPOSITS WITHIN CITY PROHIBITED. No pile or deposit of garbage shall be made within the limits of the City, nor shall any person unload, discharge or put upon or along the line of any railroad, street or highway, or in any public place within the City, any garbage, ashes or miscellaneous wastes. No accumulation of garbage shall be burned at any time or place within the City.

It shall be unlawful for any person to scatter or dispose of wastepaper, cans, bottles or any other refuse or rubbish of any kind whatsoever upon any streets, alleys, sidewalks or public places within the City. **(Ord. No. 695; 04-22-80)**

7-1-12 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

(A) When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order

the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

(B) Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

(C) Licenses and permits issued under the ordinances of this municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7-1-12(D)(E)** of this Section for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
- (2) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (3) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
- (4) Failure of the licensee or permittee to pay any fine or penalty owed to this municipality;
- (5) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in this Chapter.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable Code regulations of this municipality.

(D) Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least **five (5) days** prior to the date set for the hearing.

(E) At the hearing, the City Attorney shall present the complaint and shall represent the municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7-1-13 **APPEAL.** Any person aggrieved by the decision of the Mayor in regard to the denial of an application for a business license, as provided in **Section 7-1-4** hereinabove, or in connection with the revocation of a license or permit, as provided in **Section 7-1-12** hereinabove, shall have the right to appeal to the City. Such appeal shall be taken by filing with the City Clerk, within **ten (10) days** after notice of a denial of an application or a revocation of a license or permit, a written statement under oath, setting forth specifically the grounds for appeal.

The City shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-1-12** hereof. The decision of the City on such appeal shall be final.

7-1-14 **LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this municipality to keep his license posted in a prominent place on the premises used for such business at all times.

ARTICLE II – TRANSIENT MERCHANTS AND SOLICITORS

7-2-1 REGISTRATION REQUIRED. It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, or solicitor, to engage in such business within the City without first registering with the Police Department. Provided, however, this Article shall not be construed as applying to any person(s) who hold a “garage sale” as defined herein.

7-2-2 DEFINITIONS. For the purpose of this Article, the following words are defined as set forth herein:

“GARAGE SALE”: A sale of used items, good, and wares legally owned at the time such goods, items and wares are offered for sale by the person(s) actually residing on the premises upon which such sale is held or legally owned by the neighbors of said person(s).

“CHARITABLE SOLICITATION”: All solicitation by or on behalf of a charitable origination within the meaning of Section 501(a) and (c)3 of the Internal Revenue Code, 1954 (as amended).

“GOODS, WARES AND MERCHANDISE”: Any and all items of tangible or intangible personal property.

“RESIDENCE” shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

“SOLICITOR”: A solicitor is any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales and delivery articles to purchasers, or offering services for hire, or who, without traveling from place to place shall sell or offer the same for sale from a wagon, automotive vehicles, or other vehicle conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers at a future date shall be deemed a solicitor subject to the provisions of this Article.

“TRANSIENT MERCHANT, ITINERANT MERCHANT, OR ITINERANT VENDOR”: Any person, firm or corporation, whether as owner, as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and/or delivering goods, wares and merchandise within the City and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or a public auction. This definition shall include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. No person, firm, or corporation shall be relieved from complying with the provisions of this Article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

7-2-3 **REQUIREMENTS OF REGISTRATION.** Before a registration card may be issued under this Article, a written sworn application signed by the applicant, if an individual; or by a duly authorized partner, if a partnership; or by a duly authorized officer of a corporation, if a corporation; or by the managing member, if an LLC, or association; or managing official of any other entity, containing the following must be submitted:

(A) The name or names of the person or persons having the management or supervision in the applicant's business during the time that is proposed that business will be carried on in the City.

(B) The name or names of the person or persons who are in fact the ultimate owners and person or persons responsible for the applicant's business.

(C) The local address or addresses of such person or persons while engaged in such business; the permanent address and addresses of such person or persons.

(D) The capacity in which such person or persons shall act (e.g., proprietor, agent or otherwise).

(E) The name, address and phone number of the person for whose account the business will be carried on, if any, and if a corporation or LLC, under what state the same is incorporated or organized.

(F) The place or places in the City where it is proposed to carry on the applicant's business and length of time during which it is proposed that such business shall be conducted.

(G) The place or places other than the permanent place of business of the applicant where the applicant within **six (6) months** next preceding the date of application conducted his/her/its business, stating the nature thereof and giving the post office and street address of any building or office in which said business was conducted.

(H) A statement of the nature, character and quality of the goods, wares and merchandise to be sold or offered for sale by the applicant in the City, a statement whether such goods, wares and merchandise are sold from stock and possession or by sample, credentials from the person for which the applicant proposes to do business authorizing the applicant to act as such representative, and such other reasonable information as to identify the person or persons having the management or supervision of the applicant's business, or the method or plan of doing business.

(I) Written proof of compliance with the Illinois "transient merchant act of 1987 (**225 ILCS 465**)", as amended, the Illinois "Solicitation for Charity Act (**255 ILCS 460**)", as amended, or other applicable state or county laws, ordinances and regulations.

7-2-4 **CITY POLICY ON SOLICITING.** It is hereby declared to be the policy of the City Council of the City that the occupant or occupants of the residences in the City shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences. If no determination is made as provided in **Section 7-2-5** hereof, then in that event, solicitors may go upon such premises for any lawful purpose as long as said solicitor has been properly registered and has been issued a permit for solicitation, and provided that entry onto the premises is not refused or prohibited by some other lawful means.

7-2-5 **NOTICE REGULATING SOLICITING.**

(A) Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions, to wit:

(B) Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence shall be given in the following manner:

- (1) A weatherproof card, approximately **three inches by four inches (3" x 4")** in size or larger, shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant containing the applicable words, as follows:

**NO SOLICITORS INVITED
CHARITABLE SOLICITORS ONLY**

- (2) The letters shall be at least **one-third (1/3) inch** in height.
- (C) Such cards so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

7-2-6 DUTY OF SOLICITORS.

(A) It shall be the duty and responsibility of any prospective solicitor to make application through the Police Department a minimum of **two (2) business days** prior to the intended time of solicitation. Upon approval of the application and payment of the appropriate fees, a permit will be issued for a period not to exceed **five (5) working days**.

(B) It shall be the duty of each applicant to pay a non-refundable application fee of **Fifty Dollars (\$50.00)** upon initial application for each person who shall be soliciting or acting as a transient merchant, itinerant merchant or itinerant vendor provided that there shall be no fee for charitable solicitation as defined in **Section 7-1-2** above.

(C) It shall be the duty of every solicitor upon going onto any premises in the City upon which a residence, as defined in **Section 7-2-2** of this Code, is located, to first examine the notice provided for in **Section 7-2-5** of this Code, if any is attached, and be governed by the statement contained on this notice. If the notices states "**CHARITABLE SOLICITORS ONLY,**" then the solicitor shall immediately and peacefully depart from the premises unless such person represents a charitable organization, as defined in **Section 7-2-2** of this Code; and if the notice states "**NO SOLICITORS INVITED,**" or "**NO SOLICITORS**" then the solicitor shall immediately and peacefully depart from the premises.

(D) Any solicitor who has gained entry to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(E) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as defined in this Chapter, in defiance of the notice exhibited at the residence in accordance with the provision of **Section 7-2-5** of this Code or to otherwise violate the provision of this Chapter.

7-2-7 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises in the City and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door,

or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined in this Chapter, prior to **9:00 A.M. or after sunset or 8:00 P.M.**, whichever is earlier, on any day other than Sunday or a national or state holiday. No soliciting shall be lawful on Sunday or a national or state holiday.

7-2-8 **PENALTY.** Any person violating any of the provisions of this Chapter shall be fined the sum of **Seven Hundred Fifty Dollars (\$750.00)**. Each solicitation or offer to sell in violation of this act shall be considered a separate violation for the purposes of this Chapter.

7-2-9 **SIGNED AND NOTICES.** The Mayor is authorized to order and display appropriate signs and notices to be placed at appropriate places within the City advising that solicitors must register with the Police Department.

ARTICLE III – SIDEWALK CAFÉ LICENSES

7-3-1 SIDEWALK CAFÉ. Individuals or entities operating a restaurant may be granted the privilege of encroaching upon any public highway, street, sidewalk, alley, or publicly-owned common area (hereinafter referred to as public right of way) of the City by the issuance of sidewalk café. No such licenses shall be granted to any business or for any other use other than a restaurant.

It shall be unlawful for any person or entity to operate a restaurant on any public right of way without first securing a Sidewalk Café Permit or some other applicable permit.

7-3-2 PERMIT. A Sidewalk Café Permit shall only be issued for the purpose of public convenience or public necessity. The issuance of the Sidewalk Café Permit shall grant the applicant the privilege of using a portion of right of way for the purposes set forth in said permit, subject to the terms and conditions set forth in the permit and this Section. This permission to encroach upon public right of way granted by the City is only a license to use the property in question; it is neither an easement nor a conveyance of real property; it may be revoked by the City at any time for any reason without compensation to the permit holder. After notice of the revocation, the permit holder shall immediately remove said encroachment from the City right of way. Prior to being granted an encroachment permit or an applicant shall make an application on a form provided by the City. The applicant must comply with the requirements as provided by this Article, unless such compliance is waived by the City Council. A sidewalk café permit may only be granted by a majority of City Council members then holding office.

7-3-3 APPLICATION FOR PERMIT. Any person, group, or entity seeking the privilege of encroaching upon any public right of way in the City shall file an application for a Sidewalk Café Permit. The application shall include the following:

- (A) A detailed map of the proposed location.
- (B) A description of the proposed encroachment including nature of construction, material to be used, the exact dimensions, a drawing of the encroachment, an explanation of any utility requirements and location of such utilities.
- (C) The name and address of the person, entity or group that will be responsible for the operation and/or maintenance of the encroachment; if the person or group is a corporation, the applicant shall list the name and addresses of all officers and the registered agent of the corporation.
- (D) A certificate of insurance indicating the applicant has purchased and maintains public liability and property damage insurance in an amount acceptable to the City to secure payment for any loss or damage caused by the encroachment. The certificate of insurance shall name the City as an additional insured.
- (E) A statement providing that in consideration of receiving the encroachment permit, the applicant will pay any and all expenses, including compensation for damages, caused by the encroachment and that the applicant will indemnify and hold harmless the City from any action, proceeding or claim of liability asserted against the City resulting from the encroachment or from the issuance of the encroachment permit.
- (F) The period of time for which the encroachment permit is sought.

7-3-4 **RECOMMENDATION BY THE MAYOR.** Upon submission of a complete application and the payment of the fee, the Mayor or his/her designee shall examine the application and investigate the proposed encroachment to determine whether the proposed encroachment is consistent with this Code and all other applicable law. With respect to an application for a continuous encroachment permit, the Mayor shall make a recommendation to the City Council as to whether the permit should be issued or denied.

7-3-5 **CONDITIONS FOR APPROVAL.** Upon receiving the recommendation of the Mayor, the City Council may grant a Sidewalk Café Permit subject to any conditions or terms it deems appropriate to protect the public health, safety, or welfare including, but not limited to, the following:

(A) The encroachment shall be constructed, operated, and maintained in a clean, safe, and sanitary manner, and kept free from trash, weeds or other debris.

(B) The encroachment shall be designed, constructed, and maintained without the presence of any overhead wiring; any and all wiring required or utilities, including electric and telephone wiring, shall be placed underground insofar as it is reasonably possible.

(C) Any furniture used in the public right of way shall be constructed of black iron or appear to be in a black iron style and made of metal and shall be heavy enough to resist movement by strong winds.

7-3-6 **REGULATIONS.** Any Sidewalk Café Permit holder shall abide by the following regulations:

(A) An outdoor restaurant is permitted only on sidewalks or approved plaza areas. The permit area shall be immediately adjacent to the food service establishment requesting the permit, or a sidewalk contiguous to the sidewalk adjacent to the food service establishment.

(B) The hours when service is permitted at the outdoor restaurant shall be between **6:00 A.M.** and **11:59 P.M.**

(C) Any person making use of an outdoor restaurant shall do so in a reasonable manner with due regard for the health and safety of persons and property. No permittee shall make any physical alteration to public property. A permittee shall owe a duty to the City and third persons to maintain the permit area in a clean, safe, and sanitary condition.

(D) The permittee shall keep the permit area free of litter, cans, bottles and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the outdoor restaurant, including materials in the adjacent public right-of-way or property originating from the outdoor restaurant. The permittee shall not dispose of any such waste in the public trash receptacles.

(E) Upon the expiration or other termination of an outdoor restaurant use permit, the permittee shall immediately remove all tables, chairs, furnishings, equipment and other items of personal property from the permit areas. Any such items remaining upon the public right-of-way after a reasonable opportunity to remove the same may be removed and disposed by the City at the sole cost and expense of the permittee.

(F) A Sidewalk Café Permit may allow for the temporary placement of tables, chairs, furnishings, equipment and other items of personal property related to the restaurant. Except for plaza areas, all tables and chairs must be portable, meaning that no such furniture shall be chained together or bolted together as a unit or affixed to the outdoor wall or ground surface.

(G) Umbrellas shall have a maximum diameter of **eight (8) feet** and a minimum clearance of **seven (7) feet** above the ground, a weighted base, and be fabric covered. All umbrellas must be made of cloth fabric; vinyl umbrellas are prohibited. Umbrella materials may not have a shiny, synthetic appearance. Signage on umbrellas is prohibited. No lettering, advertising, graphics, and/or logos are allowed on the umbrella face.

(H) Tables, chairs and umbrellas shall be located so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the City, of a minimum of **four (4) feet** in width, with slopes not to exceed Americans with Disability Act (ADA) requirements.

7-3-7 SUSPENSION OR REVOCATION. The use of a public sidewalk as a sidewalk restaurant shall be subject to temporary suspension or termination at any time by the City in the interest of the public health, safety, welfare and for community events. To the extent that a permit area is needed by the City for the purpose for which it was dedicated, or any other public purpose, the City may immediately suspend or terminate the sidewalk restaurant permit by sending written notice to the permittee and assume full possession and control of the permit area. The permittee shall remove all furniture from the right-of-way within the time specified by the notice. If the furniture is not removed by the permittee, the City shall be authorized to remove all furniture and other objects of the permittee from the permit area. If such furniture is not reclaimed by the permittee within **seven (7) days** after removal by the City, the property shall be presumed abandoned and subject to disposal according to law.

7-3-8 PUBLIC PROPERTY. The provisions of this Section shall apply only to the locating of outdoor restaurants on public property or public right-of-way and shall not apply to any private property.

7-3-9 ENFORCEMENT.

(A) The City may inspect the permit area at any time. The City shall mail or deliver the result of the inspections to the permittee.

(B) Any violation of the provisions of the Section shall be remedied within the time given in the notice or, if not stated in the notice, within **ten (10) calendar days** from the date of delivery or postmark on the notice.

(C) Any permittee violating or failing to comply with the terms or requirements of this Section shall be subject to a fine of **Two Hundred Fifty Dollars (\$250.00)** per offense with each day of violation consisting of a separate offense.

(Ord. No. 16-13; 08-22-16)

ARTICLE IV – RAFFLES

7-4-1 DEFINITIONS.

(A) **Business.** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civil interests of a community.

(B) **Charitable.** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) **Educational.** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) **Fraternal.** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(E) **Labor.** An organization composed of workers organized with the objective of betterment of the conditions of a higher degree of efficiency in their respective occupations.

(F) **Net Proceeds.** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

(G) **Non-Profit.** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

(H) **Raffle.** A form of lottery where the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more which chances is to be designated the winning chance. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of facts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

(I) **Religious.** Any church, congregation, society, or organization founded for the purposes of religious worship.

(J) **Veterans.** An organization or association comprised of members of which substantially all are individuals who are veterans of military service, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

7-4-2 LICENSE REQUIRED. No person, firm, corporation or other entity shall conduct raffles or chances without having first obtained a license therefore pursuant to this Article and the "Raffles Act".

7-4-3 APPLICATION.

(A) Applications shall be made in writing through the City Clerk's office at least **thirty (30) days** prior to the first day intended for sale of the raffle chances. The application shall be on a form furnished by the City Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) Name of applicant.
- (2) Address.
- (3) Purpose of raffle.
- (4) Area within the City where the raffle is to be conducted.
- (5) Time period during which chances will be sold or issued.
- (6) Sworn statement attesting to not-for-profit character of the prospective licensee organization, signed by the presiding officer and secretary of the organization.
- (7) Date, time and location at which winning chances will be determined.
- (8) The aggregate retail value of all prizes or merchandise to be awarded by a single raffle.
- (9) The maximum retail value of each prize or each specific type of prize to be awarded by a licensee in a single raffle.
- (10) The maximum to be charged for each raffle chance and the number of chances to be issued for each raffle.
- (11) The name(s) and address(es) of the operator of the raffle if not an officer or member of the applicant organization.

7-4-4 VALIDITY OF LICENSE. Each such license shall be valid for one raffle or for a specified number of raffles during a specified period not to exceed **one (1) year**, and may be suspended or revoked by the corporate authorities in the event of violation of the terms of this Article or of any applicable State law.

7-4-5 INELIGIBILITY FOR LICENSE. The following are ineligible for any license under this Article:

- (A) Any person who has been convicted of a felony.
- (B) Any person who is or has been a professional gambler or gambling promoter.
- (C) Any person who is not of good moral character.
- (D) Any firm or corporation in which a person defined in (A), (B) or (C) has a proprietary, equitable or credit interest, or in which such a person is active or employed.
- (E) Any organization in which a person defined in (A), (B) or (C) is an officer, director or employee, whether compensated or not.
- (F) Any organization in which a person defined in (A), (B) or (C) is to participate in the management or operation of a raffle as defined in the "Raffles Act".

7-4-6 NOT FOR PROFIT ORGANIZATIONS. Licenses shall be issued only to bona fide non-profit religious, charitable, labor, business, fraternal, educational or veterans' organizations as defined in **Section 7-4-1** which operate without profit to their members and

which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during the entire **five (5) year** period a bona fide membership engaged in carrying out their objectives, or to a non-profit fund raising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardships as the result of an illness, disability, accident or disaster.

7-4-7 **LIMITATIONS.** The aggregate retail value of all prizes or merchandise awarded by a license in a single raffle under this Article and in accordance with applicable state law is limited to **Two Hundred Fifty Thousand Dollars (\$250,000.00)**.

The maximum retail value of each prize awarded by a licensee in a single raffle is limited to **Two Hundred Thousand Dollars (\$200,000.00)**.

The maximum price which may be charged for each raffle chance issued or sold is limited to **One Hundred Dollars (\$100.00)**.

The maximum number of days during which chances may be issued or sold is limited to **one hundred twenty (120) days**.

Licenses issued shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed **one (1) year** and may be suspended or revoked for any violation of the "Raffles Act" of this Article.

7-4-8 **FEES.** The fee for such a license to conduct a raffle shall be **Zero Dollars (\$0.00)**.

7-4-9 **APPROVAL.** The City shall, within **thirty (30) days**, evaluate and either approve or disapproved of said application. The City's approval of an application for a license shall constitute the license for the conduct of the raffle applied for by the applicant.

7-4-10 **CONDUCT OF RAFFLES.** The conducting of raffles is subject to the following restrictions:

(A) **Proceeds.** The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.

(B) **Participation in Management.** No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

(C) **Remuneration.** No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(D) **Premises.** A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article.

(E) **Locations.** Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

(F) **Age of Participants.** No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. A person under the age of **eighteen (18) years** may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

(G) **Location for Determining Winning Chance(s).** The location of the premises on which to determine the winning chance or chances in a raffle shall be restricted to a business district, commercial district or where a special use permit has been granted for a school, church, government or similar institution.

7-4-11 RECORDS.

(A) Each organization licensed to conduct raffles and chances shall keep such records and shall also keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which chances are determined.

(B) Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, and shall be placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the City, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Section.

(D) Records required by this Section shall be preserved **three (3) years**, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

7-4-12 MANAGER'S BOND. All operations of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. The manager shall give a fidelity bond in the sum of the total value of the prizes to be awarded in the raffle conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the City not less than **thirty (30) days** prior to its cancellation. The City may waive this bond requirement by including a waiver provision in the license issued to an organization under this Article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the City Council.

7-4-13 SUSPENSION/REVOCATION. Any license granted under this Article may be suspended or revoked by the City at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this Article may be suspended or revoked in whole or in part at any time that the raffle is conducted contrary to the license or to any State or City law, or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any raffle which license has been suspended or revoked.

7-4-14 **PUNISHMENT.** Any raffle permit issued under this Article shall be revoked or suspended if the permit holder violates any terms of the license or any other provisions of this Article. Any violation of this Article shall be subject to a fine up to **Seven Hundred Fifty Dollars (\$750.00)**. Each day that a violation hereof exists shall be considered a separate offense. Each raffle held in violation hereof shall be considered a separate offense.

7-4-15 **PREVIOUS ACTIONS.** Nothing in this Article shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this Article; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Article.

(Ord. No. 13-04; 04-08-13)

ARTICLE V - BED AND BREAKFAST LICENSE

7-5-1 **DEFINITIONS.** Under this Article:

(A) **"Bed and Breakfast Establishment"** shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

(B) **"Operator"** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Article to reside in the bed and breakfast establishment, or on contiguous property.

(C) **"Guest Room"** shall mean a sleeping room intended to serve no more than **two (2) transient guests** per night.

(D) **"Bathroom Facilities"** shall mean a minimum of **one (1)** bathroom facility for guests only.

(E) **"Parking"** shall mean that there will be provided sufficient off-street parking. **One (1) parking space** per guest room.

(F) **"Gift Shop"** shall mean a gift shop will be permitted within the residence.

(G) **"Department"** shall mean the Health Department.

7-5-2 REQUIREMENTS. Bed and breakfast establishments which serve breakfast shall comply with the following minimum standards:

(A) Food shall be clean, wholesome, free from spillage, free from adulteration and misbranding and safe for human consumption. Containers of food shall be stored above the floor, on clean racks, shelves or other clean surfaces in such a manner as to be protected from splash or other contamination. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.

(B) Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures at **45 degrees F.** or below, or **140 degrees F.** or above, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, and pork products shall be cooked to heat all parts of the food at least **165 degrees F.** before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.

(C) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

(D) If the bed and breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Department immediately.

(E) All operators shall be certified. Certification shall be achieved by successfully completing an examination offered by the Department as described in the current edition of the **State of Illinois Food Service Sanitation Rules and Regulations**.

(F) Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory but never in the kitchen sink.

(G) No one, while preparing or serving food, may use tobacco in any form.

(H) Utensils shall be kept clean and in good repair.

(I) Multi-use of eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

(J) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(K) Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.

(L) Immediately following either manual or mechanical washing of eating and drinking utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the Department. Dishpans may be used to accomplish the final sanitizing rinse.

7-5-3 LINENS. Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

7-5-4 FIRE MARSHAL'S REQUIREMENTS. Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings. In addition, the following standards shall be required:

(A) Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.

(B) All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage in or under stairways.

(C) All trash containers shall be metal.

(D) No cooking facilities shall be permitted in guest rooms.

(E) All hallways and stairways shall be adequately lighted.

(F) No portable heating devices shall be permitted in guest rooms.

(G) The operator shall submit a floor plan of the bed and breakfast establishment to the City Fire Department.

(H) Smoke detectors shall be provided in each guest room.

7-5-5 **LIABILITY INSURANCE.** The bed and breakfast establishment shall provide proof of effective liability insurance that insures the licensee from liability not less than **One Hundred Thousand Dollars (\$100,000.00)** per person.

7-5-6 **HOTEL TAXES.** The bed and breakfast establishment shall fulfill the requirements of the Illinois Department of Revenue, including the payment of any applicable hotel taxes.

7-5-7 **LICENSE REQUIRED.** It shall be unlawful to operate a bed and breakfast establishment without having a license from the City.

7-5-8 **APPLICATION FOR LICENSE.** Application for a license to operate a bed and breakfast establishment shall be made to the City, in writing on a form to be furnished by the City. The application shall be verified by oath or affidavit, shall be accompanied by a nonrefundable fee of **One Hundred Dollars (\$100.00)** and shall contain the following information:

(A) The name, age, and address of the applicant;

(B) The location and description of the bed and breakfast establishment which is to be operated under the license;

(C) Whether the applicant has made similar application for a similar license on premises other than described in the application and whether such application was granted or denied.

7-5-9 **FEE.** The fee for an initial license shall be **One Hundred Dollars (\$100.00)** and for renewal of a license shall be **Fifty Dollars (\$50.00)**. Each license issued hereunder shall be valid for **one (1) year** and must be renewed each year in order to remain valid.

7-5-10 **SUBMISSION OF APPLICATION.** Upon application of being prepared and executed by the applicant, it shall be submitted by the City to the Health Department for recommendation. The City may withhold action on the application for **sixty (60) days** for investigation of the proposed bed and breakfast establishment before taking action thereon. No license shall be issued or renewed without a recommendation to do so by the Department.

7-5-11 **ELIGIBILITY.** Only persons of good character shall be eligible for a license under this Article and only licensees who operate an orderly and reputable bed and breakfast establishment shall be eligible for renewal of a license under this Article.

7-5-12 **INSPECTION BY BY-COUNTY HEALTH DEPARTMENT.** The Department shall inspect each bed and breakfast establishment at least once each year for the purpose of determining whether such establishment are in compliance with this Article. If such inspection reveals that a bed and breakfast establishment is not in compliance with this Article, the Health Department shall notify the City thereof. No such license shall be revoked or suspended, except after a public hearing by the City with at least a **three (3) day** written notice to the licensee, affording the licensee an opportunity to appear and to be heard. The service of such notice may be made by leaving a copy of such notice at the place of business of such licensee with some person over the age of **fifteen (15) years**, and informing such person of the contents of such notice. The City shall, within **five (5) days** after such hearing, if it determines after such hearing that the license shall be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the licensee.

7-5-13 **AGENT FOR CITY.** The Health Department is hereby designated as the agent of the City for the purposes of furnishing supervisory and administrative services under this Article.

(Ord. No. 97-06; 04-28-97)
(50 ILCS 820/3)

ARTICLE VI - TATTOO OR BODY-PIERCING ESTABLISHMENTS

7-6-1 **DEFINITIONS.** For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) **"Tattoo, Tattooed and Tattooing".** Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

(B) **"Pierce, Pierced or Piercing".** Any method to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. This Section shall not refer to nor prohibit ear piercing.

(C) **"Tattoo or Body-Piercing Establishments".** Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on any of the activities mentioned in paragraph (A) or (B) of this Section.

(D) **"Out-Call Tattooing or Body-Piercing Service".** Any business, the function of which is to engage in or carry on tattooing or body-piercing at a location designated by the customer or client rather than at a tattoo, body-piercing establishment.

(E) **"Tattooer".** Any person who, for any consideration whatsoever, engages in the practice of tattooing as herein defined.

(F) **"Body Piercer".** Any person who, for any consideration whatsoever, engages in the practice of body-piercing as herein defined.

(G) **"Employee".** Any person and all persons including tattooer, body-piercer, who render any service to the permittee who receives compensation directly from the permittee, and who have no physical contact with customers and clients.

(H) **"Persons".** Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(I) **"Permittee".** The operator of a tattoo or body-piercing establishment.

7-6-2 **PERMITS AND CERTIFICATES REQUIRED.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on in or upon any premises in the City the operation of a tattoo or body-piercing establishment as herein defined, without first having obtained a permit from the Mayor.

Prior to applying for a permit to operate a tattoo or body-piercing establishment the applicant and/or employee shall obtain a health certificate from a licensed physician. A health certificate shall be issued only upon a finding of a licensed physician that the applicant is free from any communicable disease and all employees of any tattoo or body-piercing establishment must also subject themselves to an annual physical examination by a licensed physician, and it shall be unlawful to employ any person in the business of a tattooer or body-piercer who does not hold a valid health certificate.

Furthermore, all persons shall be required to secure **One Million Dollars (\$1,000,000.00)** Liability Insurance in order to operate a tattooing or body-piercing establishment.

7-6-3 FILING OF APPLICATION AND FEE PROVISION. Every applicant for a permit to maintain, operate or conduct a tattoo, body-piercing establishment shall file an application in duplicate under oath with the Mayor upon a form provided by said Mayor and pay a non-refundable filing fee of **Two Hundred Dollars (\$200.00)** for an original application and **One Hundred Dollars (\$100.00)** for a renewal application to the Mayor, who shall issue a receipt which shall be attached to the application filed with the Mayor.

The Mayor shall within **five (5) days** refer copies of such application to the Police Department and other applicable departments. The appropriate departments shall within **thirty (30) days** inspect the premises proposed to be operated as a tattoo or body-piercing establishment and make written recommendations to the Mayor concerning compliance with the codes that they administer. The Police Department, shall within **sixty (60) days** conduct a background investigation and make written recommendations to the Mayor concerning the applicants background compliance. Within **ten (10) days** of receipt of the recommendations of the aforesaid departments, the Mayor shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional **thirty (30) days** unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Mayor shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Mayor shall advise the applicant in writing of the reasons for such action.

The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application or his or her refusal to submit to or cooperate with any inspection required by sections in this Chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Mayor.

Every tattoo or body-piercing permit issued pursuant to this Section in this Chapter, shall terminate at the expiration of **one (1) year** from the date of issuance, unless suspended or revoked.

7-6-4 APPLICATION FOR TATTOO OR BODY-PIERCING ESTABLISHMENT. The application for a permit to operate a tattoo, body-piercing establishment shall set forth the exact nature of the tattooing or body-piercing to be administered, and the proposed place of business and facilities therefore.

In addition to the foregoing, any applicant for a permit, including any partner, or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than **ten percent (10%)** of the stock of a corporate applicant, shall furnish the following information:

- (A) Name and address.
- (B) Written proof that the individual is at least **twenty-one (21) years** of age.
- (C) All residential addresses for the past **five (5) years**.
- (D) The applicant's height, weight, color of eyes and hair.
- (E) The business, occupation or employment of the applicant for **five (5) years** immediately preceding the date of application.
- (F) The tattooing or body-piercing or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under

license, has had such license revoked or suspended, the reasons hereof, and the business activity or occupation subsequent to such action of suspension or revocation.

(G) All criminal or City Ordinance violation convictions, forfeitures of bond, pleadings of nolo contendere, and court supervision on all charges, except minor traffic violations.

(H) The fingerprints and photograph of the applicant.

(I) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its Article of Incorporation.

7-6-5 ISSUANCE OF PERMIT FOR A TATTOO OR BODY-PIERCING ESTABLISHMENT. Upon receipt of the recommendations of the departments referred to in **Section 7-6-3**, that the establishment is in compliance with all of the requirements of **Section 7-6-3**, the Mayor shall issue a permit to maintain, operate or conduct a tattoo or body-piercing establishment, unless he finds:

(A) That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to, the Building, Health, Planning, Housing, Zoning and Fire Code of the City; or

(B) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a tattoo or body-piercing establishment has been convicted of:

- (1) an offense involving sexual misconduct, or
- (2) the following sections of **720 ILCS 5** or a similar City Ordinance; 11 et al (Sex Offense); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

Every tattoo or body-piercing establishment permit issued pursuant to Sections in this Chapter will terminate at the expiration of **one (1) year** from the date of its issuance, unless sooner suspended or revoked.

7-6-6 FACILITIES NECESSARY. No tattoo or body-piercing establishment shall be issued a permit, nor be operated, established or maintained in the City unless an inspection by the Code Enforcement Officer reveals that the establishment complies with each of the following minimum requirements.

(A) All tattooing and body-piercing areas and floors shall have surfaces that may be readily disinfected;

(B) Adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering tattoos and body-piercings.

(C) Closed cabinets for the storage of clean linens, towels and other materials used in connection with administering tattoos and body-piercing. Covered containers or cabinets for the keeping of soiled linens, towels, and other materials that is separate from clean storage areas;

(D) A tattoo or body-piercing establishment shall not carry on, engage in or conduct business before **9:00 A.M.** or after **9:00 P.M.**

(E) The room in which tattooing or body-piercing is done shall have an area of not less than **one hundred (100) square feet** with walls, floors and ceiling having an impervious, smooth and washable surface. All pre-existing tattoo establishments as of the date

of passage shall be exempt from this paragraph for **five (5) years** from the date of passage of this Article or until such time as they renew their lease or renovated their facilities, whichever comes first.

(F) A toilet shall be located in the parlor and shall be accessible at all times that the tattoo or body-piercing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels.

(G) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and be separated from waiting customers or observers by a panel at least **six (6) feet** high or by a solid wall and door combination.

(H) The entire premises and equipment shall be maintained in a sanitary condition and in good repair.

(I) All clean, sterilized, and ready-to-use instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

(J) A steam sterilizer (autoclave) shall be provided for sterilizing all reusable instruments before use on any customer, person, or patron. Alternative sterilizing procedures may be used only when specifically approved by the Ford County Health Department. Sterilization of equipment will be accomplished by exposure to live steam for at least **thirty (30) minutes** at a minimum pressure of **fifteen (15) pounds per square inch**, temperature of **two hundred forty (240) degrees Fahrenheit** or **one hundred sixteen (116) degrees Celsius**.

(K) Instruments that are new or required to be sterilized shall be so used, handled, and temporarily placed during tattooing and body-piercing so that they will not be contaminated.

(L) Toilet facilities shall be provided in convenient locations and in such a manner as to comply with the Illinois State Plumbing Code and all other applicable Building Codes of the City.

(M) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap dispenser and with sanitary towels.

(N) The premises shall be equipped with a service sink for custodial services.

(O) Every portion of the tattoo, body-piercing establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

The City Code Enforcement Officer shall certify that the proposed tattoo, body-piercing establishment complies with all the requirements of this Section of this Article and shall send such certification to the Mayor.

7-6-7 REVOCATION OR SUSPENSION OF PERMIT FOR TATTOO OR BODY-PIERCING ESTABLISHMENT.

Any permit issued for a tattoo or body-piercing establishment may be revoked or suspended by the Mayor after a hearing for good cause, or in any case where any of the provisions of this Article are violated or any employee of the permittee, including a tattooer or body-piercer, is engaged in any conduct at the permittee's place of business, which violates any of the provisions of any sections of this Article or any State law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have had actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this Article or in any case where the permittee or licensee refuses

to permit any duly authorized Police or Code Enforcement Officer or Health Inspector of the City and the County of Ford to inspect the premises or the operations wherein. Such permit may also be revoked or suspended by the Mayor, after hearing upon the recommendations of the Code Enforcement and Fire Department that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

Any violation of this Article by any employee of the permittee, including a tattooer or body-piercer, may be cause for suspension of the permit for not more than **thirty (30) days** for the first violation. Any subsequent violation of this Article by any employee of the permittee, including a tattooer or body-piercer, shall be cause for suspension or revocation of the permit.

The Mayor, before revoking or suspending any permit, shall give the permittee at least **ten (10) days** written notice of the charges against him or her and the opportunity for a public hearing before the Mayor, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

7-6-8 TATTOOING OR BODY-PIERCING PERMIT. Any person, including an applicant for a tattoo or body-piercing establishment permit, who engages in the practice of tattooing or body-piercing as herein defined shall file an application for a tattooing or body-piercing permit with the Mayor upon a form provided by said Mayor and shall pay a nonrefundable filing fee consistent with **Section 7-6-3** to the City Clerk, who shall issue a receipt which shall be attached to the application filed with the Mayor.

7-6-9 APPLICATION FORM FOR TATTOOING OR BODY-PIERCING PERMIT. The application for a tattooing or body-piercing permit shall contain the following:

- (A) Name and residence address.
- (B) Social Security Number and driver's license number, if any.
- (C) Applicant's weight, height, color of hair and eyes.
- (D) Written evidence that applicant is at least **twenty-one (21) years** of age.
- (E) Business, occupation or employment of the applicant for **five (5) years** immediately preceding the date of application.
- (F) Whether the applicant has ever received court supervision, been convicted of, pleaded nolo contendere to or suffered a forfeiture on a bond charge of committing any crime except minor traffic violations. If the answer is in the affirmative, a statement must be made giving the place and the court in which such conviction plea or forfeiture was had, the specific charge under which the conviction plea or forfeiture was obtained and the sentence imposed as a result thereof.
- (G) The Chief of Police, or his delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

7-6-10 ISSUANCE OF TATTOOING OR BODY-PIERCING PERMIT. The Mayor may issue a temporary permit within **sixty (60) days** following application unless he finds that the applicant or any other person who will be directly or indirectly engaged in the management or operation of a tattoo or body-piercing establishment has been convicted of:

- (A) an offense involving sexual misconduct or
- (B) the following sections of **720 ILCS 5**, or a similar City ordinance: 11 et al (Sex Offenses); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

Every permit issued pursuant to this Section in this Chapter shall terminate at the expiration of **one (1) year** from the date of its issuance, unless suspended or revoked.

7-6-11 REVOCAION OF TATTOOING OR BODY-PIERCING PERMIT. A tattooing or body-piercing permit issued by the Mayor shall be revoked or suspended where it appears that the tattooer or body-piercer has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Article.

The Mayor, before revoking or suspending a tattooing or body-piercing permit, shall give the permit holder a written notice specifying the grounds thereof. Such person may within **ten (10) days** of such revocation or suspension, file a written request with the Mayor for a public hearing before the Mayor at which time the tattooer or body-piercer may present evidence bearing upon the question.

7-6-12 OPERATING, HEALTH, AND SANITARY REQUIREMENTS.

(A) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo and his hands shall be dried with individual, single use towels. The operator shall wear a clean pair of latex gloves, designed for use in surgery, for each customer.

(B) No tattooing shall be penetrated, abraded, or neared with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar, or tattoo.

(C) No intoxicated person shall be tattooed on the licensed premises.

(D) Employees shall at all times, comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 CFR 1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, blood borne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.

(E) For shaving, a new, single-service disposable safety razor shall be used for each customer or patron.

(F) The area to be tattooed shall be first thoroughly washed for a period of **two (2) minutes** with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of **seventy percent (70%)** alcohol shall be applied with a sterile instrument.

(G) Only petroleum jelly in collapsible metal or plastic tubes, or its medically acceptable equivalent shall be used on the area to be tattooed and it shall be applied with sterile gauze.

(H) The use of styptic pencils, alum blocks, or other solid styptic to check the flow of blood is prohibited.

(I) Patrons with a history of recent jaundice or hepatitis shall not be tattooed. Patrons shall sign an affidavit attesting that they do not have a recent history of jaundice or hepatitis. This affidavit shall be kept on file by the tattoo or body-piercing establishment for at least **one (1) year**.

(J) Single-service or individual containers of dye or ink shall be used for each patron and the container therefore shall be discarded immediately after completing work on it patron and any dye in which the needles were dipped shall not be used on another person.

(K) Excess dye or ink shall be removed from the skin with an individual sterile sponge or disposable paper tissue that shall be used only on **one (1) person** and then immediately discarded.

(L) After completing work on any person, the tattooed area shall be washed with sterile gauze saturated with antiseptic soap solution, or a **seventy percent (70%)** alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.

(M) Only new, single-service needles shall be used for tattooing or body-piercing.

7-6-13 **DAILY REGISTER.** Every permittee operating a tattoo or body-piercing establishment shall keep a bound appointment book showing all patrons, with names, addresses, date of birth, age, type of identification presented, identification control number, and hours of arrival. Such daily register, shall, at all times during business hours, be subject to inspection by the Police Department or Code Enforcement Officer and shall be kept on file for **one (1) year**. Only the following picture identification documents shall be acceptable for proof of age and daily register documentation:

- (A) State driver's license.
- (B) Military identification.
- (C) Passport.
- (D) State identification card.

7-6-14 **OUT-CALL SERVICE.** No "Out-Call Tattooing or Body-Piercing Service" may be operated.

7-6-15 **INSPECTIONS.** The Police Department and the Code Enforcement Officer shall, from time to time, make an inspection of each tattoo or body-piercing establishment granted a permit under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any person as defined in **Section 7-6-1(H)** to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

7-6-16 **EMPLOYMENT OF PERSON UNDER THE AGE OF TWENTY-ONE (21) PROHIBITED.** It shall be unlawful for any owner, proprietor, manager or other person in charge of any tattoo or body-piercing establishment to employ any person to perform tattooing or body-piercing who is not at least **twenty-one (21) years** of age.

7-6-17 **IDENTIFICATION CARD.** The Police Department shall provide each tattooer or body-piercer granted a permit with an identification card which shall contain a photograph of the tattooer or body-piercer and the full name and permit number assigned to said tattooer or body-piercer, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit, pursuant to this Article.

7-6-18 **TRANSFER OF PERMITS.** No permit for the operation of a tattoo or body-piercing establishment issued pursuant to the provisions of this Article and sections shall be transferable. However, upon the death or incapacity of the permittee, the tattoo or body-piercing establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit upon receiving written consent of the Mayor.

7-6-19 **DISPLAY PERMITS AND ORDINANCE.** Every permittee shall display a valid permit and a copy of the tattoo or body-piercing establishments and Tattooing and Body-Piercing Services Ordinance in a conspicuous place within the tattoo or body-piercing establishment so that persons entering the premises may readily see them.

7-6-20 **EMPLOYMENT OF TATTOOER OR BODY-PIERCERS.** It shall be the responsibility of the permittee for the tattoo or body-piercing establishment or the employer or any persons purporting to act as tattooer or body-piercer to insure that each person employed as a tattooer or body-piercer shall first have obtained a valid permit pursuant to this Article and sections.

7-6-21 **TRUE LIMIT FOR FILING APPLICATION FOR PERMIT.** Applications for renewal of permits must be filed not more than **two (2) months** nor less than **one (1) month** prior to termination of an existing permit.

7-6-22 **AGE REQUIREMENTS FOR TATTOOS.** It shall be unlawful for any person, other than a person licensed to practice medicine in all its branches, to tattoo or offer to tattoo a person under the age restriction established by **720 ILCS 5/12-10** of the **Illinois Compiled Statutes**.

7-6-23 **AGE REQUIREMENTS FOR BODY-PIERCING.** It shall be unlawful for any person to pierce or offer to pierce the body of a person under the age restriction established by **720 ILCS 5/12-10** of the **Illinois Compiled Statutes** without written consent of a parent or legal guardian who shall be present at the time of the piercing.

7-6-24 **RULES AND REGULATIONS.** The Mayor may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Article and Section.

7-6-25 **VIOLATION AND PENALTY.** Every person, except those persons who are specifically exempted by this Article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives tattooing or body-piercing or conducts a tattoo or body-piercing establishment without first obtaining a permit and paying a license fee to do so from the City, or shall violate any of the provisions of this Article and Section shall, upon conviction, be punished by a fine not to exceed **Five Hundred Dollars (\$500.00)**.

7-6-26 **MAINTAINING PUBLIC NUISANCE.** Any portion of a building used as a tattoo or body-piercing establishment in violation of this Section with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this Section are hereby declared to be a nuisance.

7-6-27 **SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article and sections, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Article, sections or any part thereof.

7-6-28 **LIMITATIONS OF LICENSES.** The total number of Tattoo/Body-Piercing establishments as defined in this Article shall not exceed **two (2)** at any one time.

(Ord. No. 08-13; 06-09-08)

ARTICLE VII – ADULT USE LICENSING AND REGULATION

7-7-1 **PURPOSE.** The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The City recognizes that such regulation cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.

7-7-2 **DEFINITIONS.**

(A) **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(B) **Adult Entertainment Cabaret.** A public or private establishment which:

- (1) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;
- (2) not infrequently features entertainers who display "specified anatomical areas"; or
- (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of "specified sexual activities".

(C) **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(E) **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

- (1) human genitals in the state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy; and
- (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Criminal Activity.** For the purpose of this Article, "specified anatomical areas" means:

- (1) less than completely and opaquely covered:
 - (a) human genitals;
 - (b) pubic region;
 - (c) buttocks;
 - (d) female breasts below a point immediately above the top of the areola; and
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described

- above under the criminal or penal code of other states or countries;
- (2) For which:
 - (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
 - (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
 - (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
 - (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

7-7-3 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the City pursuant to this Article.

(B) An application for a license shall be made on a form provided by the City.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the City to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

- (1) If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.
- (3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the

partnership is general or limited, and a copy of the partnership agreement, if any; and

(4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

- (1) the business' fictitious name and
- (2) submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-7-4 **ISSUANCE OF LICENSE.**

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

- (1) The applicant is under **eighteen (18) years** of age;
- (2) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;
- (3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;
- (4) The applicant has been denied a license by the City to operate an adult use business within the preceding **twelve (12) months** or

whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**;

- (5) The applicant has been convicted of a specified criminal activity defined in this Article.
- (6) The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Building Department as being in compliance with applicable laws and ordinances.
- (7) The license fee required by this Article has not been paid.
- (8) The applicant of the proposed establishment is in violation or in not in compliance with all of the provisions of this Article.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with City codes within **twenty (20) days** of receipt of the application by the City.

(D) No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E) No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

7-7-5 LIQUOR. No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

7-7-6 FEES. Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **Two Thousand Five Hundred Dollar (\$2,500.00)** non-refundable application and investigation fee.

7-7-7 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other City or City designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-7-8 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-7-4**. Application for renewal

shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the City denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-7-9 SUSPENSION. The City may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

- (A) violated or is not in compliance with any section of this Article;
- (B) refused to allow an inspection of the adult use business premises as authorized by this Article, or
- (C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-7-10 REVOCAION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-7-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

(B) The City may revoke a license if it determines, after a hearing, that:

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;
- (3) A licensee or management personnel has knowingly allowed prostitution on the premises;
- (4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;
- (5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;
- (6) A licensee is delinquent in payment to the City, County or State for any taxes or fees past due;
- (7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or
- (8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the City revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the City finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

7-7-11 TRANSFER OF LICENSE. A licensee shall not transfer his/her license to another nor shall a license operate an adult use business under the authority of a license at any place other than the address on the license.

7-7-12 BUSINESS RECORDS. All adult uses shall file a verified report with the City showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-7-13 LIQUOR LICENSE. No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-7-14 ADULT ENTERTAINMENT CABARETS – RESTRICTIONS. All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

7-7-15 VIDEO VIEWING BOOTHS – RESTRICTIONS. No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

7-7-16 HOURS OF OPERATION. No adult use shall be open prior to **12:00 P.M.** or after **12:00 A.M.** on Sunday through Thursday and prior to **12:00 P.M.** or after **1:00 A.M.** on Friday and Saturday.

7-7-17 INVESTIGATION. Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

(Ord. No. 09-02; 02-23-09)

ARTICLE VIII – FOOD TRUCK VENDORS

7-8-1 **DEFINITION.** “Food Truck Vendor” means a person or business engaged in the selling of food from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration.

7-8-2 **LICENSING.** Food Truck Vendors shall apply for a Food Truck Vendor License to operate within the City. Application for such shall be made to the Police Department upon the prescribed form provided by the same. The annual fee shall be **One Hundred Dollars (\$100.00)** or **Twenty Dollars (\$20.00)** per day. This Article shall be automatically converted to a Food Truck Vendor License provided all vendor requirements are met at that time.

7-8-3 **VENDOR REQUIREMENTS.** A Food Truck Vendor must hold the following certification at all times of operation within the City, and documentation of such shall be provided to the Police Department upon application for a Food Truck Vendor License, and at any other time upon request:

- (A) Valid Ford County Health Department Food Establishment License.
- (B) Proof of Liability Insurance providing **One Million Dollars (\$1,000,000.00)** coverage and naming the City as additional insured.

7-8-4 **REGULATIONS.** A Food Truck Vendor must abide by the following regulations at all times of operation within the City. Failure to do so may result in fines, citations or the rescinding of an issued Food Truck Vendor License.

- (A) Food Truck Vendors shall not operate in the public right-of-way unless otherwise approved.
- (B) Food Truck Vendors conducting retail sales on private property shall provide certification or other acceptable proof, upon request, that the property owner has granted permission for such sales and operation.
- (C) Food Truck Vendors shall operate for the purpose of conducting retail sales only on property zoned for Business (B) or Manufacturing (M) uses. Nothing shall prohibit a Food Truck Vendor from operating on property zoned otherwise if it is for the purpose of providing food service for a special event or providing catering services for a third party.
- (D) Food Truck Vendors shall operate only in locations that do not impair traffic, visibility or public safety, regardless of whether the location itself is private or public property.
- (E) Food Truck Vendors shall not operate at locations which also operate onsite motor fuel pumps.
- (F) Food Truck Vendors shall operate only on paved surfaces.
- (G) Food Truck Vendors shall not conduct retail sales from or be located upon any premises for more than **forty-eight (48) consecutive hours**. An exception shall be made for Food Truck Vendors who own the underlying parcel of property and operate the primary business at the site where the Food Truck Vendor is located, and the commissary must also be located at that property. Exceptions regarding the conduct of retail sales or being

located upon any premises in excess of **forty-eight (48) hours** may also be granted for special events.

(H) Food Truck Vendors shall not operate between the hours of **12:00 Midnight** and **6:00 A.M.** on any given day.

(I) Food Truck Vendors shall be attended at all times during all posted or advertised operating hours.

(J) Food Truck Vendors shall be responsible for proper disposal of all grease, litter and waste generated by their operation.

(K) Food Truck Vendors conducting retail sales shall not utilize extension cords in such a manner as to cross a public right-of-way or sidewalk. Exceptions to this provision may be granted for special events.

(L) Food Truck Vendors shall not conduct major repairs or disassembly of a vehicle or trailer directly on the site of operation.

(M) Food Trucks may not operate on public streets, highways, sidewalks, parks, parking lots or other property owned by the City except where expressly approved by the City Council and Mayor.

(Ord. No. 18-10; 08-13-18)

ARTICLE IX – BUSINESS FAÇADE GRANT PROGRAM

7-9-1 **PURPOSE.** The purpose of the Business Façade Grant Program (“BFGP”) is to provide financial assistance and encourage exterior site and facility improvements that improve the character, safety and aesthetics.

7-9-2 **ELIGIBILITY.** Any business within City limits is eligible for this grant.

7-9-3 **ELIGIBLE ESTABLISHMENTS.** Applicants requesting funding under the BFGP must operate a commercial establishment located within the City limits. If the applicant is a retail tenant, the building owner must provide written consent to the improvements with the application package.

7-9-4 **FUNDING.** The program is funded with amounts appropriated and designated each year by the City Council. The initial amount for the 2016-2017 budget year shall be **Twenty Thousand Dollars (\$20,000.00)** and will be funded on an annual basis through the City’s annual Appropriation Ordinance thereafter. Applicants receiving funds will be required to provide a minimum of **fifty percent (50%)** of the total project costs of the improvements. Grants are limited to a maximum of **Five Thousand Dollars (\$5,000.00)** per address per **three (3)** program years and are issued in the form of a reimbursement after eligible expenses are incurred. A “program year” shall be the same as the City’s fiscal year.

7-9-5 **ELIGIBLE IMPROVEMENTS.** The Program is intended as a public/private partnership designed as an incentive to encourage businesses to create an enhanced, safer and more aesthetically pleasing environment. All applications must meet this overall standard.

The following are examples of the types of improvements eligible for funding:

- (A) Repair and replacement of building exteriors, including tuck pointing.
- (B) Repair, replacement and installation of windows, doors, exterior lighting, awnings, canopies. Commercial signs and other façade improvements that enhance the aesthetic character of the site or the structure.
- (C) Landscape lighting and/or other decorative lighting.
- (D) Installation of enclosures for trash and recycling dumpsters.
- (E) Landscaping that improves the general area’s appearance.
- (F) Repair and replacement of sidewalks.
- (G) Work to address structural deficiencies.
- (H) Repair, replacement or installation of driveways and parking areas.
- (I) Comprehensive painting that significantly adds to the value of the property and enhances neighboring properties.
- (J) Exterior ADA compliant improvements.
- (K) Outdoor furniture for food establishments.

7-9-6 **APPLICATIONS, REVIEW AND THE APPROVAL PROCESS.** The following guidelines and general information cover the grant application process, review of applications and the approval of applications.

(A) The Mayor and City Council are responsible for approving/disapproving all grant requests.

(B) Applications must be submitted to the City at least **thirty (30) days** prior to commencement of any project for City Council consideration and approval. Applications not turned in at least **thirty (30) days** prior to the start date of the project will not be considered and will not be eligible for grant money. Applications for the same property address can only be submitted at least **three (3) years** following a previous application.

(C) The City Council will designate a specific funding amount under this Program, which runs in cycles. Applicants will be informed if available funding for the current grant cycle has been expensed and; if so, will be afforded the option of having the application automatically reviewed when monies are provided for the next funding cycle. Applications are reviewed on a "first-come, first-served" basis.

(D) Grants may be applied for by completing the attached Request Form and forwarding the form to the City Administration.

(E) Applicants will be notified by the Mayor's office of grant approval or disapproval and, if approved, the process for receiving reimbursement. Receipts or other acceptable proof of payments made to vendors/contractors is required for reimbursement. Labor expenses will not qualify for reimbursement if the work has been completed by the building owner or occupant. Labor expenses will only be approved if they are completed by a professional contractor. All work must be completed and all invoices must be submitted to the City within **one hundred twenty (120) days** or approved applications will be void and no payments will be made under the program.

(Ord. No. 19-01; 01-14-19)

CITY OF GIBSON CITY

BUSINESS LICENSE APPLICATION

APPLICATION NO. _____ **ANNUAL LICENSE FEE DUE MAY 1ST:** \$ _____

(PLEASE TYPE OR PRINT)

1. Applicant's Name: _____ PHONE () _____
2. Applicant's Address _____
City _____ State _____ ZIP _____
3. Length of resident at above address _____ years _____ months
4. Applicant's Date of Birth ___/___/___ Social Security No. _____
5. Marital Status _____ Name of Spouse _____
6. Citizenship of Applicant _____
7. Business Name _____ PHONE () _____
8. Business Address _____
City _____ State _____ ZIP _____
9. Length of Employment _____ years _____ months
10. All residences and addresses for the last three (3) years if different than above:

11. Name and Address of employers during the last three (3) years if different than above:

12. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:

13. A description of the subject matter that will be used in the applicant's business:

14. Has the applicant ever had a license in this municipality? [] Yes [] No
If so, when _____
15. Has a license issued to this applicant ever been revoked? [] Yes [] No
If "yes", explain: _____
16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.?
[] Yes [] No If "yes", explain: _____
17. Has the applicant ever been convicted of the commission of a felony? [] Yes [] No
If "yes", explain: _____
18. LICENSE DATA: Term of License _____
Fee for License \$ _____
Sales Tax Number _____
License Classification _____
19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):

OFFICIAL BUSINESS LICENSE

STATE OF ILLINOIS)
COUNTY OF FORD) **ss.**
CITY OF GIBSON CITY)

ILLINOIS SALES TAX NUMBER _____

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:

WHEREAS _____
having complied with all the requirements of the laws of the State of Illinois and the ordinances of the **City of Gibson City, Illinois** in this behalf made and required license is, by authority of the **City of Gibson City, Illinois** given and granted to the _____ to _____ at _____
_____ in the **City of Gibson City, County of Ford, and State of Illinois**, from the _____ date hereof until the _____ day of _____, _____, said _____ to be subject to all laws of the State of Illinois and all ordinances of the **City of Gibson City, Illinois**, not in conflict therewith, which are now or hereafter may be in force touching the premises.

(L.S.)

Given under the hand of the Mayor of the **City of Gibson City, County of Ford, Illinois** and the seal thereof, this _____ day of _____, _____.

MAYOR
CITY OF GIBSON CITY

COUNTERSIGNED:

CITY CLERK
CITY OF GIBSON CITY

(SEAL)

APPLICATION FOR RAFFLE LICENSE

Organization Name: _____

Applicant Name: _____

Address: _____

Purpose of Raffle: _____

Area within City where raffle is to be conducted: _____

Date: From ____ / ____ / ____ to ____ / ____ / ____

Application must include sworn statement attesting to not-for-profit character of the prospective licensee organization and signed by the presiding officer and secretary of the organization.

Date, Time and Location where winning chances will be determined _____

Aggregate retail value of all prizes to be awarded \$_____

Maximum retail value of each prize if more than one \$_____, \$_____, etc.

Maximum to be charged for each raffle chance \$_____

Names and address(es) of the operator of the raffle if not an officer or member of the applicant organization _____

Approved by _____

Date _____

APPLICATION FOR RAFFLE LICENSE

SWORN STATEMENT

The following officers attest to the not-for-profit character of the applicant organization.

(NAME OF ORGANIZATION)

Dated this _____ day of _____, _____.

PRESIDING OFFICER

SECRETARY

STATE OF ILLINOIS)

COUNTY OF FORD) ss.
)

Signed and sworn to before me this _____ day of _____,
_____.

PRESIDING OFFICER

SECRETARY

NOTARY PUBLIC

SINGLE RAFFLE LICENSE

License No.: _____

Organization Name: _____

Address: _____

Area or areas in which raffle chances may be sold or issued: _____

Period of time during which raffle chances may be sold: _____

Maximum price charged for each raffle chance issued or sold: \$_____

Date, time and location at which winning chance will be determined:

Date: _____ Time: _____

Location: _____

THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.

WITNESS the hand of the Mayor of the City of Gibson City and the Corporate Seal thereof, this _____ day of _____, _____.

MAYOR
CITY OF GIBSON CITY

CITY CLERK
CITY OF GIBSON CITY

(SEAL)

MULTIPLE RAFFLE LICENSE

License No.: _____

Organization Name: _____

Address: _____

Area or areas in which raffle chances may be sold or issued: _____

Period of time during which raffle chances may be sold: _____

Maximum price charged for each raffle chance issued or sold: \$_____

This is a license for multiple raffles to be held within the maximum period of one (1) year from date of this license. The date, the and location of each raffle is as set forth on Exhibit 1, attached hereto and hereby incorporated by reference.

THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.

WITNESS the hand of the Mayor of the City of Gibson City and the Corporate Seal thereof, this _____ day of _____, _____.

MAYOR
CITY OF GIBSON CITY

CITY CLERK
CITY OF GIBSON CITY

(SEAL)

EXHIBIT 1

The following is the date, time and location at which winning chances will be determined for multiple raffles to be held within a maximum period of one (1) year from the date of issuance of this license.

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

APPLICANT/FIELD CHECK

INFORMATION CARD

Name	Location Date Time
Residence Address	D.L.#
Business Address Info	Vehicle Color Yr. Body License
Occupation	Vehicle Modifications:
Social Security Number	
Race Sex Height	Action Leading to Check:
Weight Eyes Hair	
Complexion Date of Birth	
Unusual Features:	
	Comments:
Hat Coat	Associates:
Cap Jacket	
Blouse Dress	
Shirt Sweater	
Skirt Trousers	